

**REMARKS**

Applicants respectfully assert that the response filed on May 18, 2007 in response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, mailed February 27, 2007, was a *bona fide* attempt to fulfill the requirements for submission of a Sequence Listing in compliance with 37 C.F.R. §§ 1.821-1.825.

Applicants respectfully submit that all requirements for the Sequence Listing under 37 C.F.R. §§ 1.821-1.825 have been satisfied by the submission of the computer readable form and paper copy submitted with the accompanying amendment on May 18, 2007. On the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, the Examiner states "The instant claims (e.g. claim 11) and/or specification recite nucleic acid sequences (i.e. genes) which are not accompanied by SEQ ID Nos in accordance with the Sequence Rule." Applicants respectfully assert that there are no sequences *per se* present in the claims, nor database accession numbers referring to a sequence. This is supported by Dr. Robert Wax (571-272-0623) of the Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC), who is responsible for interpretation of Sequence Rules compliance. In his opinion, there is no requirement to include a sequence in the Sequence Listing for which only a gene name or acronym is disclosed in the Specification or Claims.

Applicants request entry of these remarks in adherence with 37 C.F.R. §§1.821 to 1.825. The previous amendment submitted May 18, 2007, was accompanied by a computer readable form containing the above named sequences, SEQ ID NOS:1-53, and a paper copy of the sequence information which was printed from the computer readable form. The information contained in the computer readable form was prepared through the use of the software program "FastSEQ" and is identical to that of the paper copy.

Appl. No. 10/589,788  
Commun. dated December 21, 2009  
Reply to Notice to Comply of November 23, 2009

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at .

Respectfully submitted,

  
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